

NTSB Order No. EA-4051

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 14th day of December, 1993

Docket 85-EAJA-SE-8536

briefing so that our decision could reflect our recent change to 49 C.F.R. 821.26, in which we increased the prior \$75/hour cap on attorney fees. Applicant has filed the supplemental pleading, and it contains the information we sought. The Administrator has stated that he has no objection to the supplemental application.

Applicant now seeks a total of \$20,349.19 in fees and related expenses. The amounts sought are explained in detail, and applicant has provided all the information our rules require; his submission is an excellent one. Applicant has included updated fees, at the new ceilings specified in § 821.26, as amended, and the calculations using the Consumer Price Index (CPI) formula have been properly done.² We will award the sought amount.

ACCORDINGLY, IT IS ORDERED THAT:

1. Applicant's EAJA application, as supplemented, is granted in full; and
2. The Administrator is to pay applicant \$20,349.19.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HAMMERSCHMIDT, and HALL, Members of the Board, concurred in the above opinion and order.

²We note that, in Exhibit B, applicant's reference to \$140.30/hour is a mistake; it should read \$115.76/hour. The 140.30 figure is the CPI index for 1992, the figure properly used for 1993 until the yearly 1993 number is issued.